

UNITED STATES DISTRICT COURT  
for the  
Southern District of Texas

United States Courts  
Southern District of Texas  
FILED  
*June 25, 2025*

United States of America ) Nathan Ochsner, Clerk of Court  
v. )  
Embeer Gutierrez Ternawsky ) Case No. **4:25-mj-386**  
Defendant(s)

## **CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.  
On or about the date(s) of May 10, 2025 & May 14, 2025 in the county of Harris in the  
Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(5)A and 924(a) (8) and 2	Alien in Possession of a Firearm

This criminal complaint is based on these facts:

See attached Affidavit of probable cause

Continued on the attached sheet.

  
Complainant's signature

Nicole Miyako, Task Force Officer  
*Printed name and title*

Sworn to before me telephonically.

Date: 06/24/2025

City and state: Houston, Texas

Peter Bray, United States Magistrate Judge  
*Printed name and title*

**4:25-mj-386**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Nicole Miyako, being duly sworn, do hereby depose and state:

1. I am a Task Force Officer with the Federal Bureau of Investigation (FBI), assigned to the Houston Division, in Houston, Texas. I have been so employed since March 2025. As part of my official duties as Task Force Officer, I am assigned to the Safe Streets Task Force. This unit investigates various violations of criminal law focusing on gangs, drugs, firearms, and violent crimes. I have received training in the areas of violent crime and organized crime and have conducted various types of electronic surveillance, authorized interception of wire and electronic communications. I have participated in the execution of search warrants and the debriefing of defendants, witnesses, and informants. I have been trained to participate in federal and state investigations that could result in the arrest and conviction of individuals, who have violated federal law. As a Task Force Officer, I am authorized to investigate violations of law of the United States and execute warrants issued under the authority of the United States.

2. The facts contained in this affidavit are based on my knowledge, training, and experience and upon information provided to me by other law enforcement officers and individuals. Since this affidavit is made for the limited purpose of supporting probable cause for a Criminal Complaint, I have not set forth every fact learned during the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause for the crimes charged. Unless otherwise indicated, where actions, conversations, and statements of others are related herein, they are related in substance and in part only.

3. On Tuesday, May 02, 2023, Embeer Gutierrez Ternawsky (TERNAWSKY), date of birth (DOB) November 17, 2000, filled out an I595 form using his Alien Number #232545273. The I595 form is an application for Asylum and for Withholding of Removal. On the form, TERNAWSKY provided Venezuelan addresses for his last home address, where he went to school and where he worked before coming to the United States of America. TERNAWSKY provided a Venezuelan “Cedula de Identidad” as his form of identification.

4. TERNAWSKY is a citizen and national of Venezuelan and has no legal status to be in the United States.

5. On May 10, 2025, TERNAWSKY communicated via text message with a Confidential Human Source (CHS4) and offered to sell CHS4 a Smith and Wesson firearm for \$600.00. TERNAWSKY provided CHS4 a picture of the firearm he was offering.

6. CHS4 accepted the offer, and a controlled firearm purchase was conducted at 8300 Sands Point Dr, Houston, Harris County, Texas. CHS4 arrived at 8300 Sands Point Dr and parked in the apartment parking lot to wait for TERNAWSKY who arrived and got in the backseat of the CHS's vehicle. TERNAWSKY handed CHS4 a loaded Smith and Wesson M&P firearm, bearing serial number #HSM3075 in exchange for \$600.00 in cash. Agents later determined that the firearm was reported stolen.

7. On May 14, 2025, TERNAWSKY communicated with CHS3 via text message and offered to sell CHS3 a Revolver for \$500. TERNAWSKY provided CHS3 a picture of the firearm he was offering.

8. CHS3 accepted the offer, and a controlled firearm purchase was conducted at 10414 Richmond Avenue, Houston, Harris County, Texas. CHS3 arrived at 10414 Richmond Avenue and waited in the parking lot. TERNAWSKY arrived at the location in a motorcycle and handed

CHS3 a loaded .38 Special Revolver, bearing serial number #543096 in exchange for \$500.00 in cash.

9. On May 29, 2025, I received confirmation from Bureau of Alcohol, Tobacco, and Firearms (ATF) Senior Investigator R. Jones that TERNAWSKY has never been deemed a "Responsible Person" or "Owner" on any ATF license or permit. Senior Investigator R. Jones is an Industry Operations Intelligence Specialist.

10. On May 30, 2025, I received confirmation from Bureau of Alcohol, Tobacco, and Firearms Special Agent D. Lesh that the Smith and Wesson M&P, bearing serial number #HSM3075 and the .38 Special Revolver, bearing serial number #543096, both handguns seized during the two separate controlled firearm purchases, were manufactured in Connecticut, outside of the state of Texas. Special Agent D. Lesh is a firearms interstate nexus expert.

11. Based on the foregoing facts, I believe that there is probable cause to believe that on May 10, 2025 and May 14, 2025, TERNAWSKY committed the following offense: Alien in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(5)(A) and 924(a)(2).

  
Task Force Officer Nicole Miyako  
Federal Bureau of Investigation

Sworn to before me and subscribed telephonically on this the 24<sup>th</sup> day of June 2025 and I find probable cause.

  
Honorable Peter Bray  
United States Magistrate Judge